

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA

Franklin Hagins,	)	C/A No. 1:11-2977-JFA-SVH
	)	
Petitioner,	)	
v.	)	ORDER
	)	
Mildred Rivera, Warden,	)	
	)	
Respondent.	)	
_____	)	

The *pro se* petitioner, Franklin Hagins, is federal inmate housed at the Federal Correctional Institution (FCI) in Estill, South Carolina. He brings this action under 28 U.S.C. § 2241 challenging his federal sentence imposed by the Southern District of Georgia.

The Magistrate Judge assigned to this action<sup>1</sup> has prepared a thorough Report and Recommendation and opines that the petition should be dismissed. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

The petitioner was advised of his right to file objections to the Report and Recommendation, which was entered on the docket on February 6, 2012. However, the petitioner failed to file objections and the deadline within which to do so has expired. In the

---

<sup>1</sup> The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1).

absence of specific objections to the Report of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

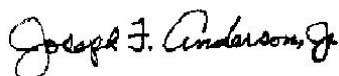
As the Magistrate Judge correctly opines, the petitioner's § 2241 action is barred unless he can demonstrate that the relief available to him under 28 U.S.C. § 2255 is inadequate or ineffective. The Magistrate Judge has reviewed the petitioner's complaint under *In re Jones*, 226 F.3d 328 (4th Cir. 2000), and concludes that the petitioner did not satisfy the elements required under *Jones* to invoke the "savings clause" of § 2255(e). Thus, the present petition must be dismissed.

After carefully reviewing the applicable laws, the record in this case, and the Report and Recommendation, this court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law and it is incorporated herein by reference.

Accordingly, this action is dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.

March 2, 2012  
Columbia, South Carolina



Joseph F. Anderson, Jr.  
United States District Judge